

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.57888

Windmere Investment Group Inc.

10602 Vincent Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 9, 2009, for a Hearing on a citation for violations under the National Standard Baltimore County Plumbing Code 2006 section 20-2-101-102-N5-to use public sewer where available on residential property known as 10602 Vincent Road, 21162.

On April 24, 2009, pursuant to § 3-6-205, Baltimore County Plumbing Inspections Inspector, J. Scott Noone issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 30, 2009 notifying Respondent that use of public sewer is required. This Citation was issued on April 24, 2009.

B. Review of the file shows that Respondent was notified by letter dated March 19, 2004 that connection to the public sewer system is required. The letter, from the Baltimore County Department of Public Works, states in part, "A review of county records indicates that your property is not connected to the public sewer system. Your property is part of the Vincent Farms health project. The original notice to connect was sent to property owners on October 13, 2000 advising property owners of the requirement to connect to the public sewer system."

C. The 2004 letter also states, "Baltimore County Code Section 35-177 states that since this project was deemed necessary for the protection of public health, the county shall be able to order property owners of said housing units to make connection to the public sewer system." This provision of county law is still in force, and has been renumbered as Baltimore County Code Section 20-2-102.

D. Review of the file shows that County inspectors have made multiple attempts to contact the property owners. In April, homeowner Mr. Bob Mally called the Department and said he was obtaining estimates and financing. No further communication has occurred and Respondent did not attend this Hearing. This property must be connected to the public sewer system without further delay.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars, if by July 10, 2009 a permit for sewer connection is obtained by a licensed plumber, AND if work on the connection commences within 30 days of the issuance of the permit. If the Respondent fails to correct the violation, the full civil penalty shall be imposed and Respondent will be subject to additional Citations with civil penalty.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 18TH day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer